

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

CR-08-00011-001

September 15, 2008
9:07 a.m.

UNITED STATES OF AMERICA -v- EDWARD LEE SANTOS

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
BEVERLY MC CALLUM, Assistant U. S. Attorney
LOREN SUTTON, Counsel for Defendant
EDWARD LEE SANTOS, Defendant

PROCEEDING: SENTENCING (Sealed Hearing)

Defendant was present with his counsel, Attorney Loren Sutton. Government by Beverly McCallum, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

Government moved to seal the hearing. No objection; court so ordered.

Court reviewed several matters in the Pre-Sentence Investigation report with all parties.

No objection by the government and defendant to the pre-sentence report.

Court adopted the presentence investigation report, and the addendum, and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government made a recommendation of 24 months imprisonment at the low end of the guidelines. Defense made a recommendation for the lowest end of the guidelines.

Defendant made his elocution.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **EDWARD LEE SANTOS** is hereby sentenced to **24 months** imprisonment as to Counts I and II with credit for time served. Upon release from imprisonment, the defendant is ordered to serve a term of supervised release of three years which will include the following conditions:

1. That the defendant shall not commit another federal, state, or local crime;
2. That the defendant shall not unlawfully possess a controlled substance;
3. That the defendant shall not unlawfully use and/or possess a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the U.S. Probation officer, for the detection of drug use;
4. That the defendant shall be prohibited from possess a firearm or other dangerous weapon, as defined by federal, state, or local law and shall not have these at his residence;
5. That the defendant shall submit to the collection of a DNA sample at the direction of the United States Probation Office;
6. That the defendant shall comply with the standard conditions of supervised release as adopted by this Court;
7. That the defendant shall participate in a substance abuse treatment program approved by the United States Probation Office, which program my include testing to determine whether the defendant has reverted to the use of drugs; and
8. That the defendant shall perform 100 hours of community service under the direction of the Untied States Probation Office.

Pursuant to U.S.S.G. § 5E1.2(e), all fines are waived since it has been determined that the defendant does not have the ability to pay.

It is further ordered that the defendant pay to the United States a special assessment fee of \$200 to be paid during his time of incarceration.

No objection to the sentence by the attorneys. Defendant was advised that he had previously waived his right to appeal the sentence in this case but that if he or his attorney find any other reason in which to appeal that he had ten days in which to do so. Further, the defendant was advised of his right to an attorney for appeal and that the Court will appoint an attorney if he could not afford one.

Court remanded the defendant into the custody of the U.S. Marshal.

Adj. 10:00 a.m.

/s/K. Lynn Lemieux, Courtroom Deputy